

CASE NO. 14-5019

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY,
Plaintiff-Appellee,

v.

UNITED STATES OF AMERICA,
Defendant-Appellant.

Appeal from the United States Court of Federal Claims
in Case No. 07-648T
The Honorable Marian B. Horn

**PLAINTIFF-APPELLEE
MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY'S
UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

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*Counsel for Plaintiff-Appellee
Massachusetts Mutual Life
Insurance Company*

CERTIFICATE OF INTEREST

Counsel for the Plaintiff-Appellee certifies the following:

1. The full name of every party or amicus represented by me is:

Massachusetts Mutual Life Insurance Company, on its own behalf and as successor to Connecticut Mutual Life Insurance Company
2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

None
3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Massachusetts Mutual Life Insurance Company ("MassMutual"), on its own behalf and as successor to Connecticut Mutual Life Insurance Company, is a Massachusetts mutual life insurance company. It has no parent corporation, and no publicly-traded corporation owns 10% or more of its stock.
4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Skadden, Arps, Slate, Meagher & Flom LLP: B. John Williams, Jr., Alan J.J. Swirski, David W. Foster, Melissa L. Galetto, Paul M. McLaughlin

Step toe & Johnson LLP: Arthur L. Bailey, J. Walker Johnson, Alexis A. MacIvor

MassMutual: Peter J. Bautz, David S. Allen

Dated: March 14, 2014

/s/ B. John Williams, Jr.
B. John Williams, Jr.
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Counsel for Plaintiff-Appellee

**APPELLEE'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

Pursuant to Fed. R. App. P. 27 and Fed. Cir. R. 26(b), Massachusetts Mutual Life Insurance Company ("MassMutual"), Appellee herein, respectfully requests an extension of 28 days, to and including May 2, 2014, to file its brief in this case.

In support of this motion, the undersigned, principal attorney of record for MassMutual, states as follows:

1. MassMutual's brief in this case is currently due April 4, 2014.
2. The Court has not previously granted MassMutual (nor has MassMutual previously requested) an extension of time to file its brief.
3. The requested extension is necessary for the following reasons:
 - a. The United States filed its opening brief on February 20, 2014.
 - b. Since that time, the undersigned has participated in three depositions in another matter against the United States in the U.S. Court of Federal Claims, Case Number 1:06-cv-00030-EGB, all on dates mutually agreed with Justice Department attorneys.
 - c. The undersigned is scheduled to argue five summary judgment motions and other dispositive motions on March 19th and March 25th before Special Master Gustafson in Washington, D.C. in a matter against the United States in U.S. District Court in Minnesota, Case Number 0:09-cv-02764-PJS-TNL.

In the same matter, the undersigned is also scheduled to argue an objection to a report from the Special Master on April 3rd before Judge Schiltz in Minneapolis.

d. Due to the length and complexity of the arguments in the brief filed by the Government, the undersigned needs additional time to prepare MassMutual's brief to respond to those arguments in a concise way, so as to provide optimal assistance to the Court in deciding this case.

4. Pursuant to Fed. Cir. R. 26(b)(2), counsel for MassMutual has contacted counsel for the Government, Arthur T. Catterall, regarding this motion. Mr. Catterall previously agreed to consent to an extension of up to 30 days for MassMutual to file its brief when MassMutual consented to the Government's request for extension of time to file its opening brief. Mr. Catterall has again confirmed the Government's consent to this motion.

CONCLUSION

For the reasons stated above, MassMutual respectfully requests that this Court grant its motion for an additional 28 days, to and including May 2, 2014, to file its brief in this case.

Respectfully submitted,

Dated: March 14, 2014

/s/ B. John Williams, Jr.

B. John Williams, Jr.

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Counsel for Plaintiff-Appellee

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MASSACHUSETTS MUTUAL)	
LIFE INSURANCE COMPANY,)	
)	
Plaintiff-Appellee,)	
)	
v.)	No. 14-5019
)	
UNITED STATES OF AMERICA,)	
)	
Defendant-Appellant)	

DECLARATION

B. John Williams, Jr., counsel of record for Appellee in the above-captioned matter, states as follows:

The facts in support of, and the reasons for, Appellee's motion for extension of time to file its brief are true and correct to the best of my knowledge.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 14th day of March, 2014, in Washington, D.C.

/s/ B. John Williams, Jr.
B. John Williams, Jr.
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Extension of Time will be served through the CM/ECF system and served on counsel of record who have registered for such service on March 14, 2014.

DATED: March 14, 2014

By: /s/ B. John Williams, Jr.

B. John Williams, Jr.

Principal Attorney of Record

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